

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/17/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL UNION FIRE INSURANCE	:
COMPANY OF PITTSBURGH, PA,	:
	:
Plaintiff,	:
	:
-against-	:
	:
SAIA MOTOR FREIGHT LINE LLC,	:
	:
Defendant.	:
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GREGORY H. WOODS, United States District Judge:	

1:24-cv-7499-GHW

ORDER

Plaintiff commenced this action on October 3, 2024, alleging that Defendant is liable for the damage and loss of goods during shipment by Defendant. Dkt. No. 1, Compl. ¶¶ 5–15. The complaint alleges that venue is proper in this district “by virtue of the plaintiff’s office and place of business, the shipment in question passed through New York and SAIA has an office in New York City located at 4660 55th Avenue, Maspeth, NY 11378.” *Id.* ¶ 4.

Plaintiff is a corporation “with offices and place of businesses at 175 Water Street, New York, New York 10038.” *Id.* ¶ 1. Defendant is a corporation “with its principal place of business at 11465 Johns Creek Parkway, Johns Creek, GA 30097” and an office at “4660 55th Avenue, Maspeth, NY 11378.” *Id.* ¶ 2, 4. Plaintiff alleges that “the shipment in question passed through New York” but does not allege that the shipment passed through the Southern District of New York. *Id.* ¶ 4. Nor has Plaintiff alleged that the events causing the destruction of the shipment occurred in the Southern District of New York. The only locations in New York State identified in the complaint are Plaintiff’s offices in Manhattan and Defendant’s office in Maspeth, which is located in the Eastern District of New York. *See* 28 U.S.C. § 112(c) (“The Eastern District comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk . . .”). There are thus no allegations in the complaint describing the occurrence of events or the residence of any defendant in

the Southern District of New York. *See* 28 U.S.C. § 112(b) (“The Southern District comprises the counties of Bronx, Dutchess, New York, Orange, Putnam, Rockland, Sullivan, and Westchester . . .”).

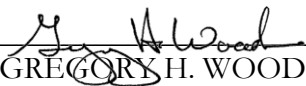
As a result, the Court issued an order to show cause as to why this case should not be transferred to the Eastern District of New York on October 7, 2024. Dkt. No. 4. The order gave Plaintiff until no later than October 17, 2024 either to show cause as to why the case should not be transferred to the Eastern District of New York or to consent to transfer. *Id.*; *see* 28 U.S.C. § 1406(a). On October 17, 2024, Plaintiff filed a letter consenting to transfer. Dkt. No. 5.

Because Plaintiff consents to transfer, because venue does not lie in this district, and because the interest of justice weighs in favor of transferring the case to the district that encompasses the court identified as the proper venue, this case is hereby transferred under 28 U.S.C. § 1406(a) to the Eastern District of New York.

The Clerk of Court is directed to transfer this case to the Eastern District of New York without delay. Plaintiff is directed to serve a copy of this order on Defendant and to retain proof of service.

SO ORDERED.

Dated: October 17, 2024
New York, New York



GREGORY H. WOODS
United States District Judge